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-5- (Twice Amended)

The battery of Claim 4, wherein the conductive housing is in electrical contact with one of the battery terminals, and the second terminal contact end of the tester circuit is in contact with the conductive housing through the opening in the insulator layer.

-6- (Once Amended)

The battery of Claim 1, wherein the first terminal contact end of the tester circuit is in electrical contact with the first terminal of the battery via a first conductive tab, and the second terminal contact end of the tester circuit is in electrical contact with the second terminal of the battery via a second conductive tab.

-7- (Once Amended)

The battery of Claim 6, wherein [the label] said insulative layer is [comprised of] a base electrically insulating layer that is adhered to the conductive housing of the battery and the first and second conductive tabs are disposed on the surface of [this insulator] said base electrically insulating layer.

-8- (Once Amended)

The battery of Claim 7, wherein the label further comprises a second electrically insulating layer disposed over [the first] said base electrically insulating layer, the tester circuit is disposed on the surface of [this] said second [insulator] electrically insulating layer, and [with] said second [insulator] electrically insulating layer has an opening in it aligned with one of the ends of the tester circuit and aligned with that end's respective conductive tab on [the first insulator] said base electrically insulating layer.

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-28- (Twice Amended)

A battery to which is attached a label that contains a tester for the battery, said battery comprising a conductive housing, a first terminal, and a second terminal, wherein the label is comprised of:

- a) [an] a first insulative layer that is adhered to [a] said conductive housing of the battery and a tester circuit which is disposed on [the] a surface of the first insulative layer, said first insulative layer providing thermal and electrical insulation between said conductive housing and said tester circuit, and wherein said tester circuit is comprised of an electrically conductive material, and has a first terminal contact end and a second terminal contact end connected to each other via an area of controlled resistivity;
- b) an indicating material disposed in responsive contact with the area of controlled resistivity of the tester circuit; and
- c) a first terminal connector that connects the first terminal contact end of the tester circuit with [a] said first terminal of the battery and a second terminal connector that connects the second terminal contact end of the tester circuit with [the] said second terminal of the battery, which said second terminal has a polarity opposite that of [the] said first terminal; wherein at least one of the terminal contact ends of the tester circuit is positioned out of contact with its respective terminal connector to provide an open tester circuit.

-29- (Once Amended)

The battery of Claim 28, wherein the label is further comprised of [an] a second electrically insulative layer adhered to the conductive housing of the battery, and on which layer the tester circuit is disposed.

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-30- (Once Amended)

The battery of Claim 29, wherein the first terminal connector of the label is a conductive tab that is disposed on [the] said first insulative layer and is in contact with one of the terminals of the battery.

-31- (Once Amended)

The battery of Claim 30, wherein the second terminal connector is the battery conductive housing which is [conductive and is] in electrical contact with a terminal of the battery, and [the] said second insulative layer has an opening in it which is aligned with the second terminal contact end of the tester circuit such that [this] said second terminal contact end of the tester circuit is out of contact with [the] said conductive housing of the battery.

-34- (Once Amended)

The battery of Claim 33, wherein [the label is further comprised of] said first insulative layer is a base electrically insulative layer adhered to [the] said conductive housing of the battery, and which said positive terminal connector is a positive conductive tab and said negative terminal connector[s are] is a negative conductive tab, both said positive and negative conductive tabs [that are] disposed on the base electrically insulative layer.

-35- (Once Amended)

The battery of Claim 34, wherein the label is comprised of a second electrically insulative layer disposed on the base insulative layer over [the connector tabs,] both said positive conductive tab and said negative conductive tab and which second insulative layer has a first opening aligned with [the] said positive [connector] conductive tab, and second opening aligned with [the] said negative [connector] conductive tab.

-46- (Once Amended)

The battery of Claim 1, wherein the label further comprises means for forming an electrical switch with [the electrically] said conductive [battery] housing.